

# AMENDMENT TRANSMITTAL LETTER

Docket No.  
01946/100D864-US1

Application No.  
09/762,067

Filing Date  
August 3, 2001

Examiner  
Maury A. Audet

Art Unit  
1654

Applicant(s): Gschneider et al.

Invention: COMPOUNDS AND COMPOSITIONS FOR DELIVERING ACTIVE AGENTS

## TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

### CLAIMS AS AMENDED

	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	85	- 85 =		X	
Independent Claims	1	- 3 =		X	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					

☒ Large Entity

☐ Small Entity

☒ No additional fee is required for this amendment.

☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_

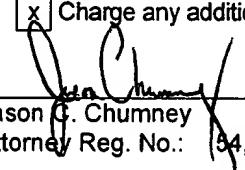
☐ A check in the amount of \$ \_\_\_\_\_ to cover the filing fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized to charge and credit Deposit Account No. 04-0100 as described below. A duplicate copy of this sheet is enclosed.

☒ Credit any overpayment.

☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.

  
Jason G. Chumney  
Attorney Reg. No.: 34,781

Dated: October 14, 2004

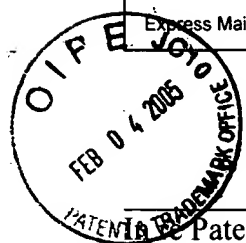
DARBY & DARBY P.C.  
P.O. Box 5257  
New York, New York 10150-5257  
(212) 527-7783

Express Mail Label No.

Dated: \_\_\_\_\_

02-07-05

1654  
JFC



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Docket No.: 01946/100D864-US1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent Application of:  
David Gschneidner et al.

Application No.: 09/762,067

Group Art Unit: 1654

Filed: Aug. 3, 2001

Examiner: M. A. Audet

For: COMPOUNDS AND COMPOSITIONS FOR  
DELIVERING ACTIVE AGENTS

**TRANSMITTAL LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

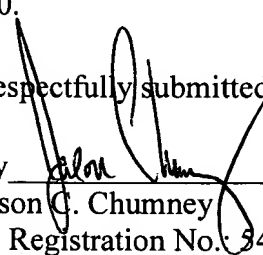
Enclosed are the following items for filing in connection with the above-referenced Patent Application:

1. Request for Withdrawal of Holding of Abandonment; Exhibits A-D; a Certificate of Express Mailing; and a Return Postcard.

The Commissioner is authorized to charge any deficiency of up to \$300.00 or credit any excess in this fee to Deposit Account No. 04-0100.

Dated: February 4, 2005

Respectfully submitted,

By   
Jason C. Chumney  
Registration No. 34,781  
DARBY & DARBY P.C.  
P.O. Box 5257  
New York, New York 10150-5257  
(212) 527-7700  
Attorneys/Agents For Applicant

Customer Copy  
Label 11-F June 2002



UNITED STATES POSTAL SERVICE® Post Office To Addressee



EL 996119600 US

ORIGIN (POSTAL USE ONLY)				DELIVERY (POSTAL USE ONLY)			
PO ZIP Code 10022	Day of Delivery Next	Flat Rate Envelope <input type="checkbox"/>	Postage \$ 13.65	Delivery Attempt Mo. Day Time	Employee Signature		
Date In Mo. Day Year 10 14 04	Second <input type="checkbox"/>	Postage \$ 13.65	Return Receipt Fee	Delivery Attempt Mo. Day Time	Employee Signature		
Time In AM PM 10 30 AM	3 PM	Return Receipt Fee		Delivery Date Mo. Day Time	Employee Signature		
Weight Lbs. Ozs. 3 10	2nd Day <input type="checkbox"/>	Insurance Fee		Mo. Day Time	Employee Signature		
No Delivery <input type="checkbox"/>	Alpha County Code 10022	COD Fee		<input type="checkbox"/> NO DELIVERY			
Westend <input type="checkbox"/>	Acceptance Clerk Initials [Signature]	Total Postage & Fees \$ 13.65		<input type="checkbox"/> WAVE NO SIGNATURE			
CUSTOMER USE ONLY METHOD OF PAYMENT Express Mail Corporate Acct. No.				Patent Agency Acct. No. or Postal Service Acct. No.			
FROM: (PLEASE PRINT) DARBY & DARBY PC 805 3RD AVE FL 27 NEW YORK NY 10022-7513				TO: (PLEASE PRINT) MAIL STOP COMMISSIONER PO BOX 1450 ALEXANDRIA VA 22313-1450			



01946/100D864-DS1 JCC

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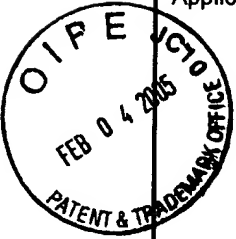


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Application No. (if known): 09/762,067

Attorney Docket No.: 01946/100D864-US1



# Certificate of Express Mailing Under 37 CFR 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail, Airbill No. **EL 996119600 US** in an envelope addressed to:

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

on October 14, 2004  
Date

**Signature**

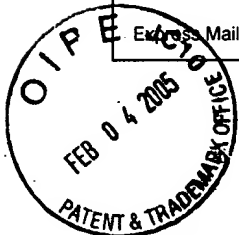
**Pat Campbell**

Typed or printed name of person signing Certificate

**Note:** Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Amendment in Response to Non-Final Office Action (14 pages);  
Amendment Transmittal Letter (1 page); and  
Postcard.





Express Mail Label No. \_\_\_\_\_

Dated: \_\_\_\_\_

Docket No.: 01946/100D864-US1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
David Gschneidner et al.

Application No.: 09/762,067

Confirmation No.: 7883

Filed: August 3, 2001

Art Unit: 1654

For: COMPOUNDS AND COMPOSITIONS FOR  
DELIVERING ACTIVE AGENTS

Examiner: M. A. Audet

**REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT**

MAIL STOP PETITION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants in the above-identified patent application have been advised that the application is technically abandoned due to applicants' alleged failure to timely respond to an Office Action mailed July 14, 2004. The last day to timely file a Response to this Office Action was January 14, 2005 (with a three-month extension of time).

The Patent Office is respectfully advised that on October 14, 2004, Applicants submitted pursuant to 37 C.F.R. § 1.10, *inter alia*, an Amendment in Response to a Non-Final Office Action. In support thereof Applicants enclose the following:

(a) A copy of the originally-deposited postcard listing, *inter alia*: "Amendment in Response to Non-Final Office Action", showing the number of the "Express Mail" mailing label thereon (EL 996119600 US) (Exhibit A);

(b) A copy of the Amendment In Response to Non-Final Office Action and a Certificate of Express Mailing under 37 C.F.R. § 1.110, as timely filed on October 14, 2004 (Exhibit B);

(c) A copy of the "Express Mail" mailing label showing the "date-in," on the "Express Mail" mailing label (October 14, 2004) entered by the U.S. Postal Service. (Exhibit C);

(d) A "Track & Confirm" Report from the U.S. Postal Service, indicating that Express Mail Package EL 996119600 US was delivered to Patent Office, Alexandria, VA 22313, and signed for by M. Boston (Exhibit D);

Applicants note that a return post-card has not been received by Applicant's counsel. The copies of the correspondence (Exhibits A and B), the "Express Mail" mailing label (Exhibit C), and the official notation entered by the USPS (Exhibit C) are true copies of the originally mailed correspondence, original "Express Mail" mailing label, and official notation entered by the USPS.

No fee is believed due. If any additional fees are due, the Commissioner is hereby authorized to charge them to deposit account No. 04-0100.



For these reasons, applicants respectfully request that prosecution promptly resume based on the timely-filed Amendment filed October 14, 2004.

Dated: February 4, 2005

Respectfully submitted,

By  \_\_\_\_\_

Jason C. Chumney

Registration No.: 54,781

DARBY & DARBY P.C.

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New York, New York 10150-5257

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant



**Atty Docket No.:** 01946/100D864-US1

**Inventor:** Gschneidner et al.

**Appln:** 09/762,067      **Filed:** August 3, 2001

**Title:** COMPOUNDS AND COMPOSITIONS FOR  
DELIVERING ACTIVE AGENTS

**Documents:**

Amendment in Response to Non-Final Office Action (14 pages);  
Amendment Transmittal Letter (1 page); and  
Certificate of Express Mailing (1 page);

**Via:** Express Mail: Airbill No. **EL996119600US**

**Sender Initials:** JCC/sjw      **Date:** October 14, 2004

A handwritten signature in black ink, appearing to be "Rafael" or similar, written over the printed name "JCC/sjw".